

**House Study Bill 74 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
INSPECTIONS AND APPEALS  
BILL)

**A BILL FOR**

1 An Act relating to reports of personal degradation by  
2 caretakers of dependent adults in facilities and programs  
3 regulated by the department of inspections and appeals.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 235E.2, subsection 1, paragraph c, Code  
2 2019, is amended to read as follows:

3 c. A report of dependent adult abuse that meets the  
4 definition of dependent adult abuse under section 235E.1,  
5 subsection 5, paragraph "a", subparagraph (1), subparagraph  
6 division (a) or (d), or section 235E.1, subsection 5, paragraph  
7 "a", subparagraph (3), which the department determines is  
8 minor, isolated, and unlikely to reoccur shall be collected and  
9 maintained by the department of human services as an assessment  
10 only for a five-year period and shall not be included in the  
11 central registry and shall not be considered to be founded  
12 dependent adult abuse. A subsequent report of dependent adult  
13 abuse that meets the definition of dependent adult abuse under  
14 section 235E.1, subsection 5, paragraph "a", subparagraph  
15 (1), subparagraph division (a) or (d), or section 235E.1,  
16 subsection 5, paragraph "a", subparagraph (3), that occurs  
17 within the five-year period, and that is committed by the  
18 caretaker responsible for the act or omission which was the  
19 subject of the previous report of dependent adult abuse which  
20 the department determined was minor, isolated, and unlikely to  
21 reoccur, may be considered minor, isolated, and unlikely to  
22 reoccur depending on the circumstances of the report.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with  
25 the explanation's substance by the members of the general assembly.

26 This bill relates to reports of personal degradation by  
27 caretakers of dependent adults in facilities and programs  
28 regulated by the department of inspections and appeals (DIA).

29 Under current law, a report of dependent adult abuse  
30 involving physical injury, unreasonable confinement or  
31 punishment, assault, or neglect by a caretaker of a dependent  
32 adult in a facility or program which DIA determines is minor,  
33 isolated, and unlikely to reoccur is collected and maintained  
34 by the department of human services (DHS) as an assessment  
35 only for a five-year period, is not included in the central

1 dependent adult abuse registry, and is not considered founded  
2 dependent adult abuse. A subsequent report of dependent adult  
3 abuse involving physical injury, unreasonable confinement or  
4 punishment, assault, or neglect that occurs within that same  
5 five-year period by the same caretaker who was the subject of  
6 the previous report may be considered minor, isolated, and  
7 unlikely to reoccur depending on the circumstances.

8 The bill expands current law to provide that a report of  
9 dependent adult abuse involving personal degradation by a  
10 caretaker of a dependent adult in a facility or program which  
11 DIA determines is minor, isolated, and unlikely to reoccur  
12 shall be collected and maintained by DHS as an assessment  
13 only for a five-year period, shall not be included in the  
14 central dependent adult abuse registry, and shall not be  
15 considered founded dependent adult abuse. A subsequent report  
16 of dependent adult abuse involving personal degradation that  
17 occurs within that same five-year period by the same caretaker  
18 who was the subject of the previous report may be considered  
19 minor, isolated, and unlikely to reoccur depending on the  
20 circumstances.